

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 9, 2010

- C061464 THE PEOPLE v. (Not For Publication)**
LAWRENCE ALLEN MERIWETHER
The judgment is affirmed.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C062648 THE PEOPLE v. (Not For Publication)**
MARCUS DANIEL HORTON
The order granting probation is modified... The trial court shall prepare
an amended order granting probation reflecting these modifications.
HULL, J.
We Concur: Scotland, P.J.
Raye, J.
- C063336 THE PEOPLE v. WILLIAM SOTO (Not For Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.
- C063836 THE PEOPLE v. (Not For Publication)**
THERON KENNETH HOLSTON
The judgment is affirmed.
HULL, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C064599 THE PEOPLE v. (Not For Publication)**
JOSEPH CHARLES DIGESSTI
The judgment is affirmed. The trial court is directed to prepare and
forward to the Department of Corrections and Rehabilitation a corrected abstract
of judgment.
HULL, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 9, 2010, Continued

C059236 KING v. WILLMETT (Certified For Partial Publication)

The amended judgment on verdict is reversed and the matter is remanded to the trial court with directions to reinstate the jury's award of past medical expense damages and enter a new judgment in favor of plaintiff with interest and costs consistent with such award.

CANTIL-SAKAUYE, J.

I concur: Scotland, P.J.

I respectfully dissent. ...

I would affirm the judgment.

Hull, J.

**C060700 PARKSIDE APARTMENT PARTNERS v. (Not For Publication)
THE CADLE COMPANY II, INC.**

The judgment is reversed and the matter remanded to the trial court for entry of a new judgment identical to that entered on October 6, 2008, except that prejudgment interest shall run from January 31, 2003, rather than July 26, 2007. Parkside is awarded its costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)

HULL, J.

We Concur: Nicholson, Acting P.J.

Robie, J.

C062027 LAGOMARSINO v. DUMONT et al. (Not For Publication)

The judgment (order) sustaining defendants' demurrers to the amended complaint is reversed and the matter is remanded to the trial court for entry of a new order overruling the demurrers. Plaintiff is awarded his costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)

HULL, J.

We Concur: Nicholson, Acting P.J.

Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 9, 2010, Continued

C065707	YES ON 25, CITIZENS FOR AN ON-TIME BUDGET v. THE SUPERIOR COURT OF SACRAMENTO COUNTY; EDMUND G. BROWN, JR., as Attorney General, etc., et al.	(Not For Publication)
C065708	EDMUND G. BROWN, JR., as Attorney General, etc., et al. v. THE SUPERIOR COURT OF SACRAMENTO COUNTY; DEBRA BOWEN, as Secretary of State, etc., et al.	

Petitioners have sought the issuance of a peremptory writ in the first instance, and real party in interest has filed opposition thereto. The procedural requirements delineated in *Palma v. U.S. Industrial Fasteners, Inc.*, supra, 36 Cal.3d 171 have been satisfied, and we are authorized to issue the requested relief.

Let a peremptory writ of mandate issue directing respondent court to vacate its judgment entered on August 5, 2010, insofar as it compels the Secretary of State to delete from the ballot title and summary and the ballot label the language, "RETAINS TWO-THIRDS VOTE REQUIREMENT FOR TAXES." The Attorney General's original ballot title and summary and ballot label, attached as Appendix A to this opinion, are the materials to be delivered by the Secretary of State to the State Printer for inclusion on the November ballot. This decision is final forthwith as to this court. (See Cal. Rules of Court, rule 8.490(b)(3).)

The temporary stay order issued by this court on August 6, 2010, is vacated, and the following stay order shall remain in effect until this decision is final for purposes of review: The Secretary of State shall not cause to be submitted to the State Printer (nor shall the State Printer use) any language for ballot title and summary and the ballot label for Proposition 25 except for the language included in Appendix A to this opinion.

BY THE COURT:

SCOTLAND, P.J.

We Concur: Raye, J.
Hull, J.

August 10, 2010

C059072	THE PEOPLE v. ERIC KAINOA HU	(Not For Publication)
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The trial court is directed to correct its sentencing order in this case to reflect that the sentence imposed for count 18 is stayed pursuant to section 654. The judgment is affirmed in all other respects.

CANTIL-SAKAUYE, J.

We Concur: Sims, Acting P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 10, 2010, Continued

- C060505 THE PEOPLE v. (Not For Publication)**
GABRIEL CAMERON JACKSON
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Robie, J.
- C060734 THE PEOPLE v. (Not For Publication)**
MATTHEW WILKE MORGAN
The judgment is affirmed.
RAYE, J.
We Concur: Scotland, P.J.
Sims, J.
- C062996 THE PEOPLE v. (Not For Publication)**
RONALD IRVING FILKINS, II
The judgment is modified to reflect that defendant is entitled to a total of 160 days of presentence custody credits, consisting of 80 days of actual custody plus 80 days of conduct credit. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C063556 THE PEOPLE v. (Not For Publication)**
DON HAROLD LONGWOOD
The trial court's order revoking defendant's probation is reversed and the judgment vacated. The matter is remanded to the Shasta County Superior Court for further proceedings.
BUTZ, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C062270 THE PEOPLE v. (Not For Publication)**
JARRETT ELI SWEARENGIN
The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 10, 2010, Continued

- C062514 ANDERSON et al. v. (Not For Publication)**
LORETTO HIGH SCHOOL et al.
The judgment (denial of motion for preliminary injunction) is affirmed.
Respondents are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278
(a)(1) & (a)(2).)
CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
 SIMS, J.
- C059754 CONN v. WESTERN PLACER UNIFIED (Certified For Partial Publication)**
SCHOOL DISTRICT et al.
THE COURT:
The opinion of this court filed July 20, 2010, in the above entitled case is
modified...
As modified, the petition for rehearing is denied. The modification does
not effect a change in the judgment.
BY THE COURT:
BLEASE, Acting P.J.
Raye J.
Robie, J.

August 11, 2010

- C059512 THE PEOPLE v. (Not For Publication)**
ANTHONEY COULETT LIVINGSTON
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Robie, Acting P.J.
 Butz, J.
- C061146 THE PEOPLE v. (Not For Publication)**
ROBERT MICHAEL GRAY
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
 Robie, J.
- C061285 THE PEOPLE v. AMMIEL CORNISH (Not For Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
 Robie, J.

**COURT OF APPEAL
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Court Minutes

August 11, 2010, Continued

- C062762 THE PEOPLE v. (Not For Publication)**
TERESA LYNN LOPEZ MENDEZ
The judgment, as modified by the trial court, is affirmed.
HULL, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C063113 THE PEOPLE v. (Certified For Publication)**
STEVE DOUGLAS JONES
The restitution order is reversed, and the case is remanded to the trial court for further proceedings consistent with this opinion.
ROBIE, J.
We Concur: Raye, Acting P.J.
Cantil-Sakauye, J.
- C061520 THE PEOPLE v. (Not For Publication)**
LAJUAN OTIS PRIDE
The judgment is modified by imposing a stay on the burglary sentence, as described in this opinion. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a new abstract of judgment.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Raye, J.
- C061882 THE PEOPLE v. YIA THAO (Not For Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Robie, J.
- C062544 THE PEOPLE v. ORLANDO MOREL (Not For Publication)**
The judgment is modified... As modified, the judgment is affirmed.
BUTZ, J.
We Concur: Hull, Acting P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 11, 2010, Continued

C059985 SNATCHKO v. WESTFIELD LLC et al. (Certified For Publication)
The stipulated judgment resolving all causes of action in favor of defendants/respondents and against plaintiff/appellant is reversed. The trial court is directed to vacate its order granting summary adjudication of plaintiff/appellant's claims for intentional infliction of emotional distress, negligence, violation of his civil rights, injunctive, and declaratory relief and enter a new order denying defendant/respondent Westfield's motion. Costs on appeal are awarded to plaintiff/appellant. (Cal. Rules of Court, rule 8.278(a)(1) & (a)(2).)
CANTIL-SAKAUYE, J.
We Concur: Robie, Acting P.J.
Butz, J.

August 12, 2010

C062515 THE PEOPLE v. (Not For Publication)
SCOTT JOSEPH RIPPEY
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Raye, J.
Cantil-Sakauye, J.

C061645 In re C.J. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. M.J. et al.
The juvenile court orders are affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Butz, J.

C064035 Adoption of K.R. et al., Minors; (Not For Publication)
B.S. v. K.R.
The petitions for adoption are affirmed.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.

C061170 CHAVEZ v. COX
BY THE COURT:
Appellant's petition for rehearing is denied.
HULL, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

August 13, 2010

- C060975 THE PEOPLE v. (Not For Publication)**
JONATHAN ANDREW JORDAN
The judgment is affirmed.
BUTZ, J.
We Concur: Hull, Acting P.J.
Robie, J.
- C063086 DEGER v. SACRAMENTO (Not For Publication)**
METROPOLITAN FIRE DISTRICT
The judgment is affirmed. Respondent Sacramento Metropolitan Fire District shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1).)
RAYE, J.
We Concur: Sims, Acting P.J.
Robie, J.
- C063812 In re K.C. et al.; SAN JOAQUIN COUNTY (Not For Publication)**
HUMAN SERVICES AGENCY v. J.J.
The juvenile court order is affirmed.
BLEASE, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C062573 In re L.S. et al.; SACRAMENTO (Not For Publication)**
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. S.C.
- C062892 In re L.S. et al.; SACRAMENTO**
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. S.C. et al.
THE COURT:
It is ordered that the opinion filed herein on July 26, 2010, be modified...
These modifications do not effect a change in the appellate judgment.
With the above modifications, the petition for rehearing is denied.
BY THE COURT:
HULL, Acting P.J.
Robie, J.
Butz, J.